



## COUNTY OF SAN DIEGO

### DEPARTMENT OF PLANNING AND LAND USE: Zoning

### SECOND DWELLING UNIT

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The Zoning Ordinance, Section 6156.x, allows the addition of a second dwelling unit to those properties zoned to allow the Family Residential use type by right. There are several limitations and requirements imposed by this section. The applicable Zoning Ordinance sections are attached, and are summarized below.

Second dwelling units are a complete additional house (dwelling unit) on the same lot or parcel as an existing single family detached residence, and may be rented to any person(s). The second dwelling unit may be either attached to the primary house or detached from the primary house.

A second dwelling unit is not allowed on a lot or parcel, which has a guest living quarter, accessory living quarter or accessory apartment. There are provisions in the ordinance to allow conversion of such units into a second dwelling unit.

**If the parcel is dependent on a well for potable water supply, the minimum lot size must be twice the area required by the County Groundwater Ordinance.** Information regarding Groundwater Ordinance requirements may be obtained from Zoning Information @ (858) 565-5981.

*This is a summary. Please read the County of San Diego Zoning Ordinance sections (attached) for the complete regulations.*

A Second Dwelling Unit is allowed "by-right" provided all of the following are met:

- The legal lot must contain **at least** the minimum **net area** required by zoning.
- The lot must be at least 20,000 square feet in net area.
- The proposed Second Dwelling Unit shall be no more than 30% the size of the main dwelling or 1,200 square feet, whichever is **less**.
- The size of an attached garage/carport shall not exceed 480 square feet.
- The proposed Second Dwelling Unit is not attached to a barn or other accessory structure.
- Complete building plans **including floor plans of the living area of both the primary dwelling and the proposed second dwelling unit (even if one is already existing)** shall be provided.
- Actual mathematical computations of the "living area", per definition, for both units must be provided. These calculations must state that they are from measurements taken from the interior surface of the exterior walls.
- No other habitable space shall be attached to a detached Second Dwelling Unit.
- All requirements of Section 6156.x are met.

An Administrative Permit for a Second Dwelling Unit is required when any of the following are applicable:

- The legal lot is less than 20,000 square feet and meets the minimum net area as required by the applicable zoning.
- The legal lot is at least 1 net acre in size and does not contain (at least) the minimum net area as required by the applicable zoning.
- The proposed Second Dwelling Unit is up to 50% the size of the main dwelling, up to a maximum of 1,200 square feet, whichever is less.
- The proposed garage/carport attached to the Second Dwelling Unit exceeds 480 square feet and the total garage/carport/storage area on the lot conforms to the limitations pursuant to Section 6156.g.
- The proposed Second Dwelling Unit is to be attached to a barn or agricultural building pursuant to the limitations of Section 6156.h.

The following apply to all Second Dwelling Units (pursuant to 6156.x):

***If a lot is less than 20,000 sq. ft. and it does not meet the minimum net area required by zoning, a second dwelling unit is not allowed.***

- Regardless of the size of the existing house, **a minimum of 400 square feet is allowed**, (even if that exceeds 30 percent of the size of the existing dwelling).
- A unit of 640 square feet or less shall provide one additional parking space, a unit greater than 640 square feet shall provide two additional parking spaces, as required under Section 6758, parking requirements for Family Residential. (See 6156.x.5 as to location and design of the required parking, and restriction on the conversion of existing covered parking.)
- The architectural design, building materials, colors and covered parking must be substantially the same as those of the primary dwelling. There is no prohibition on the use of manufactured housing (including mobilehomes) but the requirement for conformance with the primary dwelling might be difficult to meet.
- Color photographs of the street-facing sides of the existing primary dwelling shall be submitted with the second unit application.
- No entrance to the second dwelling unit shall face an abutting street unless the entrance is shielded so as not be apparent when viewed from the abutting street. Plants do not qualify for shielding purposes.
- The applicant must provide evidence that there is sewer (or septic) service and water available, and that any applicable school fees have been paid.
- All requirements of the building and other codes, and the Zoning Ordinance, shall apply to these units.
- No Variances to the requirements of the Zoning Ordinance shall be granted for the construction of second dwelling units.
- Separate sale or ownership of a second dwelling unit is prohibited, unless the lot is subdivided creating a separate lot for each dwelling.
- Owner-occupancy of one of the dwellings is required for the duration of use of the second unit for residential purposes, except as permitted in Section 6156.x.11.
- Before a building permit is issued, the owner of the property shall submit a notarized and recorded copy of an agreement stating that the owner understands and will abide by the requirements of the Zoning Ordinance. The document is available at the Zoning Information Counter.

## **ZONING ORDINANCE EXTRACTS**

### **1110            DEFINITIONS**

**Net area** is defined as “The gross area of a parcel minus:

1. The area of any street right-of-way,
2. Any fenced flood control or walkway easement,
3. Irrevocable offers of dedication when the property is within an urban classification of the General Plan, and
4. The area contained in the panhandle of a panhandle lot when the lot is in a zone where the minimum required lot size is 10,000 square feet or less.”

### **6156            RESIDENTIAL AND AGRICULTURAL USE TYPES.**

Subject to the restrictions and limitations specified, the following accessory buildings and uses shall be permitted in zones where residential and agricultural Use Types are permitted.

- x. Second Dwelling Units. In zones where the Family Residential use type is allowed by right, a second dwelling unit is allowed on a legal lot containing an existing single family detached residence, or to be constructed concurrently with a primary single family detached residence, provided the following requirements are complied with:

1. The second dwelling unit shall either be attached to the primary unit, wholly or partially integrated into the primary unit, or detached from the primary unit. The second unit may be attached to another permitted accessory building, except for those accessory units or other accessory buildings specified in paragraph 4, 5 or 6 below.
2. Applicable requirements of the building and other codes and of The Zoning Ordinance shall apply to second dwelling units. No Variances shall be granted in order to provide for the second unit.
3. A lot shall contain at least the minimum net area as required by the applicable zoning to qualify for a second dwelling; however, no second dwelling unit shall be permitted on a lot with a net area of less than 20,000 square feet, except pursuant to paragraph 12 below. If a legal lot is at least 1 net acre in size and does not contain at least the minimum net area as required by the applicable zoning, a second dwelling unit may be permitted pursuant to paragraph 12 below.

However, if the lot proposed for a second dwelling is groundwater dependent the minimum size must be twice that required by the residential density controls of Section 67.722 A.1. of the County Groundwater Ordinance (Ord. 7994 N.S.) unless an exception is granted pursuant to Section 67.750 (c) of that Ordinance.

4. Second dwelling units shall not be allowed on a lot or parcel with a guest living quarter, accessory living quarter, or accessory apartment. Conversion of such quarters into a second dwelling unit is allowed provided all applicable zoning and other code requirements are met, and subject to the following procedures:

- i. Application for modification of the Administrative Permit or Minor Use Permit that authorized the accessory unit proposed for conversion to a second dwelling unit and application for any other applicable permits; or
  - ii. If no Administrative or Minor Use Permit was required to authorize the accessory unit proposed for conversion (Guest Living Quarters in certain use regulations), by application for a building permit and any other applicable permits; or
  - iii. If the accessory unit proposed for conversion was established illegally, by application pursuant to this subsection "4" as if a new second dwelling unit was being proposed.
5. Second dwelling units with a living area exceeding 640 square feet shall comply with the parking requirements for Family Residential under Section 6758. Second dwelling units with a living area not exceeding 640 square feet shall provide one additional off-street parking space. Said additional parking spaces shall not be in tandem with existing spaces. If establishment of the second dwelling unit involves a garage conversion, replacement covered off-street parking shall be provided concurrently. A garage or carport attached to the second dwelling unit shall not exceed 480 square feet of gross floor area. Additional garage area attached to the second dwelling unit may be permitted pursuant to paragraph 12 below. No other structures defined by Section 6156.b shall be attached to a second dwelling unit. No other structures defined by Section 6156.h shall be attached to a second dwelling unit unless approved pursuant to paragraph 12 below.
6. The living area of a second dwelling unit shall not exceed 30 percent of the living area of the existing unit, up to a maximum floor area of 1,200 square feet, except pursuant to paragraph 12 below. However, a second dwelling unit of up to 400 square feet is permitted (even if that figure exceeds 30 percent of the size of the primary dwelling). No other habitable space shall be attached to a detached second dwelling unit.
7. Applicants are required to provide evidence satisfactory to the Director of the following:
  - i. Adequate sewer service or approval by the Department of Environmental Health for use of a septic system;
  - ii. Adequate potable water supply; and
  - iii. That applicable school district fees have been paid.
8. The architectural design, building materials, colors and, if provided, covered parking shall be substantially the same as those of the primary dwelling. Color photographs of the street-facing sides of the existing primary dwelling shall be submitted with the second unit application.
9. No entrance to the second dwelling unit shall face an abutting street unless the entrance is shielded so as not to be apparent when viewed from the abutting street. Plant materials shall not qualify for shielding purposes.

10. Separate sale or ownership of a second dwelling unit from the primary dwelling located on a single lot is prohibited, unless a subdivision is created pursuant to the County Subdivision Ordinance.
11. Application for and issuance of a discretionary permit for a second dwelling shall be limited to the owner-occupant of the primary dwelling or his/her authorized agent. Owner-occupancy of either the primary dwelling or the second dwelling is required for the duration of the use of the second unit for residential purposes, except both units may be rented or leased for a period of up to one year upon written request to, and approval of, the Director. Said request shall state the change in life circumstances of the owner which necessitates interruption of continuous owner occupancy. Rental or leasing of both units may be extended by the Director for one additional period not exceeding six months upon further request of the owner.
12. a. A second dwelling unit may be authorized upon the issuance of an Administrative Permit with all findings per 12.b. and with notice to property owners per 12.c, below, to allow the following:
  - i. Location on a legal lot of less than 20,000 square feet in net area, but not less than the minimum net area required by the applicable zoning; or on a legal lot that is at least one net acre in size and does not meet the minimum net area required by the applicable zoning.
  - ii. A living area greater than 30 percent of the living area of the primary dwelling, not to exceed 50 percent thereof or 1,200 square feet, whichever is less.
  - iii. Conversion to a second dwelling unit of an existing legal accessory living unit, or legalization as a second dwelling unit of an illegal accessory living unit which existed on July 1, 1994, when such existing living unit does not conform to one or more of the following requirements of this subsection x:
    - minimum lot size: however, no conversion shall be permitted on a lot of less than the minimum net lot area required by the applicable zoning; except on a legal lot that is at least one net acre in size and does not meet the minimum net area required by the applicable zoning.
    - maximum living area: however, a maximum living area of greater than 1200 square feet shall not be authorized;
    - off-street parking;
    - architectural design;
    - location of entrance;
    - height and/or setback: to the extent that a variance for height or setback was granted in connection with the establishment of a legal accessory living unit that existed on July 1, 1994, said variance shall be valid and applicable to the conversion of such accessory living unit to a second dwelling unit.

No other exceptions to this subsection or other provisions of this Ordinance shall be authorized by the Administrative Permit.

- b. Before any Administrative Permit may be granted or modified, it shall be found:
  - i. That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:
    - (a). Harmony in scale, bulk, and coverage;
    - (b). The availability of public facilities, services and utilities;
    - (c). The harmful effect, if any, upon desirable neighborhood character;
    - (d). The generation of traffic and the capacity and physical character of surrounding streets;
    - (e). The suitability of the site for the type and intensity of use or development which is proposed; and to
    - (f). Any other relevant impact of the proposed use; and
  - ii. That the impacts, as described in paragraph "i" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan.
  - iii. That the requirements of the California Environmental Quality Act have been complied with.
- c. Notice shall be given to owners of property within 300 feet of the exterior boundaries of the property proposing the second dwelling unit and a minimum of 20 different owners pursuant to Section 7060 c. No hearing is required unless requested by the applicant or other affected person pursuant to Section 7060 d.
- 13. Prior to issuance of a building permit for a second dwelling unit, the owner of the property upon which the second dwelling unit is to be located shall submit a notarized and recorded copy of an agreement between the owner and the County of San Diego on a form supplied by the Department. Said agreement shall state that the owner understands and will abide by the requirements of this subsection, other applicable provisions of this Ordinance, and that said agreement is binding on all successors in interest to the subject property as long as the second dwelling unit is used or maintained for use as a separate dwelling unit.

See subsection ii. below for an illustrative matrix comparing Second Dwelling Units and Guest Living Quarters.

- ii. The following matrix compares Guest Living Quarters and Second Dwelling Unit provisions. Complete regulations can be found in subsections k. and x.

### Accessory Use Regulations

<i>This Table is a summary only. For complete regulations see appropriate sections of the Zoning Ordinance. In case of conflict between the provisions graphically represented in this table and the provisions set forth in the text of the Zoning Ordinance, the provisions of the Zoning Ordinance text shall apply.</i>		Guest Living Quarters (6156.k.)	Second Dwelling Unit (6156.x.)
LOCATION AND SIZE			
Applicable Use Types	Residential	■	■
	Commercial	-	-
	Industrial	-	-
	Agriculture	■	■
	Special Purpose	■	■
Net Lot Size Restrictions <sup>1</sup>	Must meet minimum required by zoning	-	■
	Must be 20,000 sf or larger	■	■
	<b>Administrative Permit Exceptions</b>		
	May be less than 20,000 sf	■	■
	Minimum zoning not met <sup>2</sup> but 1 acre or larger	-	■
Unit Size Restrictions	Must be equal or greater than 400 sf <sup>3</sup>	-	■
	May not exceed 30% of primary dwelling <sup>3</sup>	■	■
	May not exceed 600 sf <sup>3</sup>	■	-
	May not exceed 1,200 sf <sup>3</sup>	-	■
	<b>Administrative Permit Exceptions</b>		
	Up to 50% of primary dwelling allowed	■	■
	May not exceed 1,200 sf	-	■
DESIGN AND USE			
Allowed Facilities	Kitchen	-	■
	Wetbar	-	■
	Laundry	-	■
Occupancy	Employee	■	■
	Guests up to 30 days	■	■
	Guest more than 30 days	-	■
	Rental	-	■
Attachment to Other Structures	Primary Dwelling	■	■
	Detached garage/carport 480 sf or less	■	■
	Detached garage/carport greater than 480 sf	■	-
	Other habitable space	■	-
	Barn/agricultural storage building	■	-
	<b>Administrative Permit Exceptions</b>		
	Detached garage/carport greater than 480 sf	■	■
Electric Metering	Barn/agricultural storage building	-	■
	Separate Meter Allowed	-	■
PARKING			
Off-Street Parking Requirements <sup>4</sup>	1 space for units less than 640 sf	-	■
	2 spaces for units equal or greater than 640 sf	-	■

- Applicable  
- Not Applicable

#### Footnotes:

1. If lot is Groundwater dependent, the lot must be twice the minimum size required per Groundwater Ordinance Section 67.722 A.1.
2. Lot must have met the minimum net area required by zoning at the time the lot was legally created, pursuant to Policy G-3.
3. Ministerially approved, provided all criteria of DPLU (including Zoning/Building/Fire) and other County Departments are met.
4. Required spaces may not be in tandem with required spaces for primary dwelling. May not encroach into front or exterior side setbacks.